

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #8	CCRB Case #: 201902466	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/03/2018 3:00 PM, Sunday, 03/10/2019, Monday, 03/11/2019	Location of Incident: [REDACTED]	Precinct: 105	18 Mo. SOL 1/3/2020	EO SOL 1/3/2020	
Date/Time CV Reported Tue, 03/12/2019 5:52 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 03/22/2019 12:54 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Robert Arnold	06983	924897	105 DET
2. An officer			
3. POM Jose Vasquezmiranda	29316	942655	105 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Robert Arnold	Abuse: On July 3, 2018, Detective Robert Arnold entered § 87(2)(b) in Queens.	[REDACTED]
B.POM Jose Vasquezmiranda	Abuse: On July 3, 2018, Police Officer Jose Vasquezmiranda entered § 87(2)(b) in Queens.	[REDACTED]
C.DT3 Robert Arnold	Abuse: On July 3, 2018, Detective Robert Arnold searched § 87(2)(b) in Queens.	[REDACTED]
D.POM Jose Vasquezmiranda	Abuse: On July 3, 2018, Police Officer Jose Vasquezmiranda searched § 87(2)(b) in Queens.	[REDACTED]
E. An officer	Force: On July 3, 2018, at § 87(2)(b) in Queens, an officer used physical force against § 87(2)(b)	[REDACTED]
F.DT3 Robert Arnold	Force: On July 3, 2018, Detective Robert Arnold used physical force against § 87(2)(b)	[REDACTED]
G.POM Jose Vasquezmiranda	Force: On July 3, 2018, at § 87(2)(b) in Queens, Police Officer Jose Vasquezmiranda used physical force against § 87(2)(b)	[REDACTED]
H. An officer	Force: On July 3, 2018, at § 87(2)(b) in Queens, an officer tasered § 87(2)(b)	[REDACTED]
I. An officer	Off. Language: On July 3, 2018, at the 105th Precinct stationhouse, an officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

Case Summary

On March 12, 2019, § 87(2)(b) filed this complaint with IAB via phone under original log #2019-9827. On March 22, 2019, this case was received by the CCRB.

On July 3, 2018, at approximately 4:15 p.m., Detective Robert Arnold and Police Officer Jose Vasquezmiranda of the 105th Precinct Detective Squad entered and searched § 87(2)(b) in Queens (**Allegations A-D: Abuse of Authority, § 87(2)(g)**). An officer allegedly used physical force against § 87(2)(b) (**Allegation E: Force, § 87(2)(g)**). Det. Arnold and PO Vasquezmiranda used physical force against § 87(2)(b) (**Allegations F and G: Force, § 87(2)(g)**). An officer allegedly used a Taser against § 87(2)(b) (**Allegation H: Force, § 87(2)(g)**).

On July 3, 2018, at an unknown time, at the 115th Precinct stationhouse, an officer allegedly made comments to § 87(2)(b) based upon the gender of § 87(2)(b) (**Allegation I: Offensive Language, § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

This case contains body-worn camera footage; however, it depicts an unrelated incident on February 24, 2019 (Board Review 16-18).

Findings and Recommendations

Allegation (A) Abuse of Authority: On July 3, 2018, Detective Robert Arnold entered § 87(2)(b) in Queens.

Allegation (B) Abuse of Authority: On July 3, 2018, Police Officer Jose Vasquezmiranda entered § 87(2)(b) in Queens.

Allegation (C) Abuse of Authority: On July 3, 2018, Detective Robert Arnold searched § 87(2)(b) in Queens.

Allegation (D) Abuse of Authority: On July 3, 2018, Police Officer Jose Vasquezmiranda searched § 87(2)(b) in Queens.

Allegation (E) Force: On July 3, 2018, at § 87(2)(b) in Queens, an officer used physical force against § 87(2)(b).

Allegation (F) Force: On July 3, 2018, at § 87(2)(b) in Queens, Detective Robert Arnold used physical force against § 87(2)(b).

Allegation (G) Force: On July 3, 2018, at § 87(2)(b) in Queens, Police Officer Jose Vasquezmiranda used physical force against § 87(2)(b).

Allegation (H) Force: On July 3, 2018, at § 87(2)(b) in Queens, an officer tasered § 87(2)(b).

Allegation (I) Offensive Language: On July 3, 2018, at the 105th Precinct stationhouse, an officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b).

In her sworn statement provided May 22, 2019, § 87(2)(b) stated that at approximately 3:00 p.m. on July 3, 2018, she was preparing for a Fourth of July barbeque when she heard officers knocking at the front door of her residence, located at § 87(2)(b) in Queens (Board Review 01). Also present was § 87(2)(b)'s son, § 87(2)(b).

§ 87(2)(b) went to the door and observed two officers. § 87(2)(b) described the first of these officers as a white male who was taller than her, who had a large, muscular build, was bald and had blue eyes, and who was dressed in a black t-shirt and black pants. § 87(2)(b) described the second officer as a black male who was tall, had a heavyset build, had short hair, and who was dressed in plainclothes. The white officer asked § 87(2)(b) “Where’s § 87(2)(b).” Upon § 87(2)(b) stating that § 87(2)(b) was asleep inside the residence, the white officer pushed § 87(2)(b) back and entered the residence. The force of the push caused § 87(2)(b) to sit down on the ground. The officers proceeded to hold § 87(2)(b) down on the bed while the white officer repeatedly used a Taser in drive stun mode against § 87(2)(b). Additional officers were called for backup during the struggle, and proceeded to enter and arrest § 87(2)(b). Later, at the 115th Precinct stationhouse, the white officer who used a Taser against § 87(2)(b) told § 87(2)(b) that “all the things” he gave § 87(2)(b) would give him a “big dick.”

On March 11, 2019, the same white officer returned to § 87(2)(b)’s residence and stated, “You can’t do shit,” in response to § 87(2)(b) stating that she was going to have her restraining order against § 87(2)(b) lifted. This aspect of § 87(2)(b)’s complaint is currently being addressed under CCRB case number § 87(2)(b).

At various times during her sworn statement, § 87(2)(b) made ambiguous references to “the Fourth of May” in an unknown year. While § 87(2)(b) confirmed that the incident she relayed above happened on July 3, 2018, § 87(2)(b) at times responded to questions about what, if anything, happened on May 4 by relaying what appeared to be an identical narrative to that provided concerning the July 3, 2018 incident. At other times, § 87(2)(b) responded to this line of questioning with non-sequiturs, such as stating with no context that she would “not mind paying \$200 for her son,” or by reiterating that she had told the investigation the incident occurred July 3, 2018.

The investigation encountered similar difficulties attempting to obtain basic information about the incident from § 87(2)(b) with § 87(2)(b) at times directly refusing to answer questions, while at other times threatening to contact various media outlets if the CCRB proved unable to help her. At various points throughout the interview, § 87(2)(b) responded to questions about the incident by screaming, “Help me,” asking the undersigned investigator to kill her, and by providing pieces of narrative with an unclear relation to the incident at issue in her complaint, such as: “But last time now, they took him on the, he saw they was coming, I don’t know, my son say, ‘Mommy,’ I was talking to him very quietly, nice, and they took him. Look they coming. He say, ‘Ma, ma,’ He say, ‘Cops,’ he say, ‘Cops,’ he say, ‘Cops.’ He run, he run.” As a result, the investigation was unable to obtain information from § 87(2)(b) on matters such as the layout of her residence, details about the force used against § 87(2)(b) and the underlying reasons for officers being at § 87(2)(b)’s residence in search of § 87(2)(b).

§ 87(2)(g)
§ 87(2)(b) in her initial complaint to IAB, § 87(2)(b)

initially provided the date of incident as August 13, 2018, before stating that the incident happened on July 3, 2018 (Board Review 02 and 03). § 87(2)(b) also gave conflicting statements to the IAB intake investigator regarding whether the subject officer returned to her residence on March 10, 2019 or March 11, 2019.

In her phone statement to the CCRB, § 87(2)(b) divulged that § 87(2)(b) received a laceration to his head in the course of being delivered via C-section, and that as a result § 87(2)(b) has suffered from severe mental illness throughout his life, is bipolar, and has the mental development of a 10-year-old boy (Board Review 04). § 87(2)(b) further stated that she has a standing restraining order against her son because of behavior he has exhibited during his violent bipolar outbursts, and that on July 3, 2018, § 87(2)(b) was letting § 87(2)(b) stay with her in violation of the order of protection. In her phone statement, § 87(2)(b) described the officer who used a Taser against § 87(2)(b) as a white male who was 5'8" tall, had chubby build, was bald, and had blue eyes. § 87(2)(b) described the officer who accompanied this officer when he returned to her residence on March 11, 2019 as a white male who had a skinny build, was slightly taller than the first officer, and who had black hair.

The CCRB was unable to obtain a statement from § 87(2)(b) due to him being at various times incarcerated, hospitalized, or otherwise unreachable throughout the course of the investigation.

§ 87(2)(b)

§ 87(2)(b), § 87(2)(a) CPL 160.50

Event documentation obtained from the Department Advocate's Office indicates that between April 1, 2018 and April 1, 2019, 57 separate 911 calls were placed concerning incidents occurring at § 87(2)(b)'s residence (Board Review 06). Three calls were placed on July 3, 2018; one regarding an unsuccessful family/home visit at 3:31 p.m., one regarding a request for additional officers to assist with an arrest at 4:26 p.m., and one regarding a female caller wanting to know where an individual was removed to the hospital at 10:56 p.m. (Board Review 19).

The CCRB interviewed Det. Robert Arnold, § 87(2)(b)'s arresting officer for the July 3, 2018 incident, on September 24, 2019 (Board Review 07). On Det. Arnold testified during his CCRB interview that he went to § 87(2)(b)'s residence at approximately 4:15 p.m. on July 3, 2018 to conduct a follow-up interview with § 87(2)(b) regarding an incident on July 1, 2018, for which Det. Arnold was the assigned investigator. Det. Arnold read portions verbatim from the handwritten Domestic Incident Report prepared regarding the July 1, 2018, incident, which contains a handwritten first person narrative account from § 87(2)(b) alleging that § 87(2)(b) hit her multiple times in the head with a closed fist. Upon arriving at the location on July 3, 2018, Det. Arnold spoke to § 87(2)(b) at her doorway, informed § 87(2)(b) that he had been assigned her case, and asked if he could speak with her inside. § 87(2)(b) allowed him and his partner, PO Vasquezmiranda, into the residence. Det. Arnold denied that either officer made physical contact with § 87(2)(b). Upon entering and observing § 87(2)(b)

sitting on a bed inside the residence, Det. Arnold informed both § 87(2)(b) and § 87(2)(b) that he was going to be arrested. § 87(2)(b) violently resisted arrest by kicking the officers and moving his body around to prevent being handcuffed. In the course of the struggle, Det. Arnold punched § 87(2)(b) multiple times in his back, but otherwise denied using or observing officers use additional force against § 87(2)(b). Det. Arnold then called for additional officers to respond, at which time § 87(2)(b) was removed in handcuffs.

Det. Arnold denied having gone to § 87(2)(b)'s residence on March 11, 2019, and stated that he never personally interacted with § 87(2)(b) on a date after this incident. However, Det. Arnold did return to the residence on a later date pursuant to another officer's case. No one answered the door on this date, and Det. Arnold did not speak with § 87(2)(b). Although it was not explicitly addressed during his CCRB interview, a review of Det. Arnold's memo book indicates that he went to § 87(2)(b)'s residence on March 10, 2019 with one Detective Jason Caputo of the 105th Precinct detective squad (Board Review 08).

PO Vasquezmiranda's CCRB statement, provided October 18, 2019, was generally consistent with that of Det. Arnold (Board Review 24). In his CCRB interview, PO Vasquezmiranda acknowledged punching § 87(2)(b) in the head in response to § 87(2)(b) attempting to bite him while simultaneously kicking Det. Arnold.

The CCRB was unable to access § 87(2)(b)'s arrest report for the July 3, 2018 incident, as well as the corresponding UF-61, without a signed unsealing order. The investigation was able to obtain the Domestic Incident Report corresponding to § 87(2)(b)'s complaint on July 1, 2018, which is consistent with Det. Arnold's account (Board Review 09). A request submitted to IAB for all TRI reports prepared in connection with § 87(2)(b)'s arrest on July 3, 2018 returned one TRI prepared by Det. Arnold, which was consistent with his CCRB interview. A request for Medical Treatment of Prisoner Reports pertaining to this incident returned negative results. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Det. Arnold is a § 87(2)(b) (Board Review 10). Det. Arnold stated during his CCRB interview that he was dressed in business attire on the date of incident, and denied ever having worn his head fully shaved. A review of the MOS photo terminal indicates that PO Vasquezmiranda is § 87(2)(b) (Board Review 20). He appears to be of a medium to dark complexion in his MOS photo and has shortly cropped black hair. Det. Caputo is § 87(2)(b) (Board Review 21). His MOS pedigree indicates that he is "partially bald," while he appears fully bald in his MOS photograph.

NYPD Legal Bureau confirmed that there is body-worn camera footage depicting the incident on July 3, 2018; however, the NYPD refused to release the footage to the CCRB without a signed unsealing order from § 87(2)(b) (Board Review 11).

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- Det. Arnold has been a member of service for 19 years. In that time, he has been the subject of one prior CCRB allegation.
 - In CCRB 200912005, Det. Arnold was the subject of a substantiated premises entered and/or searched allegation. The CCRB recommended charges; however, Det. Arnold faced no disciplinary action due to the case having exceeded the statute of limitations.
- PO Vasquezmiranda has been a member of service for 13 years, and has been the subject of 26 allegations in 11 prior cases.
 - In CCRB 200715666, CCRB 201309995, and CCRB 201400676, PO Vasquezmiranda was the subject of unsubstantiated allegations of physical force.
 - In CCRB 201401420, PO Vasquezmiranda was the subject of two separate physical force allegations which were substantiated by the CCRB. PO Vasquezmiranda was found guilty at an APU trial and forfeit eight vacation days.

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- § 87(2)(g) [REDACTED]
- This is § 87(2)(b) [REDACTED] s and § 87(2)(b) [REDACTED] s second CCRB complaint and the first to be fully investigated by the agency (Board Review 12).

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation due to § 87(2)(b) [REDACTED] s arrest.
- A FOIL request submitted to the NYC Comptroller's Office indicated that as of August 30, 2019, § 87(2)(b) [REDACTED] has not filed a notice of claim regarding this incident (Board Review 13).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED] has no criminal convictions in New York City (Board Review 15).

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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